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On June 27, 2005

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TOWNSEND and TOWNSEND and CREW LLP

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

William Murray, Jr. et al.

Application No.: 10/839,521

Filed: May 4, 2004

For: COMPUTER PHYSICAL
SECURITY DEVICE

Examiner: Suzanne Dino Barrett

Art Unit: 3676

DECLARATION OF WILLIAM MURRAY
PURSUANT TO 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, William Murray, Jr. reside in Livermore, CA, and declare as follows:

1. I have a degree in Electrical Engineering, from Rensselaer Polytechnic Institute. Before working for Kensington I managed technical research and development programs as an officer in the U.S. Air Force.

2. I was one of the early employees of Kensington Microware, Ltd. I was an employee of Kensington when it merged into the present assignee, ACCO Brands, Inc.

|| William Murray et al.
Application No.: 10/839,521
Page 2

PATENT |

d/b/a Kensington Technology Group and I was the CEO of Kensington Technology Group from October 1999 until March 2002.

3. I am a co-inventor on the above referenced patent application.

4. The present application describes the problem of portable electronic device theft, and the present inventors' solution to that problem. As explained at page 1, line 33 to page 3, line 5 of the specification:

A variety of devices have been developed to inhibit the theft of desk top computers and similar equipment. Since desk top computer systems involve several components, typically including the computer itself, a separate monitor, keyboard and often a printer, such security systems often employ a cable which attaches each of the components to each other and to a relatively immovable object such as a desk. The principal difficulty in such systems is providing an effective and convenient method for attaching the cable itself to the equipment.

Page 2, line 5 to page 3, line 18 of the specification (in the Background of the Invention section) discusses other proposed solutions (e.g., internal capture brackets, and glue disks) to this problem. These solutions, however, were ineffective. As explained at page 4, lines 7-16 of the specification:

The apparatus of the present invention is far more adaptable and convenient to use than existing systems. The only required modification of the equipment to be protected is a small (preferably about 3 by 7 millimeter) slot in an external wall. Additional brackets, capture mechanisms or the like are not necessary. This small slot can easily be molded into computer systems at essentially no cost and without degrading the integrity of the equipment. The attachment mechanism can readily be installed on the equipment, and removed when appropriate by an authorized user.

5. I have reviewed the pending claims in the present application and the Office Action mailed on January 27, 2005. Claim 18 recites a "locking member" and a generally "rectangular security slot, having dimensions of about 3 mm x 7 mm". The 3 x

|| William Murray et al.
Application No.: 10/839,521
Page 3

PATENT ;

7 mm slot is referred to in the computer industry as the "Kensington slot", since it was first introduced to the computer industry by Kensington Microware, Ltd. Many of the lock embodiments described in the present application can be used with the Kensington slot. Many of the lock embodiments are sold under the tradename Microsaver®.

6. The Kensington slot has been recognized by the computer industry as being an effective security solution. Virtually all notebook computers manufactured today have the Kensington security slot. For example, a recent article entitled "Laptops: The Essential Buying Guide" in PC Magazine (attached as Exhibit A) defines the "Kensington slot" as follows:

Kensington slot A universal connector for a physical security lock, named after the company that invented the feature. Regardless of the brand, virtually every notebook security lock you can buy fits the Kensington-style slot.

A recent article in Government Computer News (May 19, 2005), attached as Exhibit B, states:

Almost every notebook computer released in the last five years has had a small slot into which a cable lock can be inserted. This so-called Kensington slot, named after the company that originated and popularized the locking concept, can handle cables and even motion-sensitive alarms as part of a security plan.

As evidenced by these articles, the Kensington slot has achieved widespread recognition in the computer industry as being an effective security solution. Major computer manufacturers including Sony, Dell, Hewlett Packard, Apple, etc. use the Kensington slot. If the Kensington slot was not an effective security solution, major manufacturers such as Sony, Dell, Hewlett Packard, and Apple would not be using it.

7. I believe that embodiments of the invention satisfy a long-felt need which was recognized, persistent, and not solved by others. For years, people have known that the theft of portable electronic devices such as computers was a problem, but there was no widely accepted standard solution to the problem until the Kensington slot and a

William Murray et al.
Application No. 10/839,521
Page 4

PATENT

security apparatus for the slot were invented and introduced to the marketplace. For example, U.S. Patent No. 4,605,083 (attached as Exhibit C) shows that as early as 1976, the theft of office equipment such as computers was a problem recognized by those of ordinary skill in the art (see c. 1, lines 2-10). Between 1976 and January 24, 1992 (the filing date for U.S. Patent Application No. 07/824,964), many others tried to solve the problem of portable electronic device theft. As evidence of this, the cover pages of 15 such patents are attached hereto as Exhibit D. Unlike the Kensington slot, these attempts to solve the problem did not become widely adopted by the computer industry as a standard security solution. Thus, the present inventors succeeded in inventing an effective solution to the problem of portable electronic device theft where others have failed.

8. I do not believe that embodiments of the invention would have been "obvious" to the person of skill in the art at the time of the present invention. If they were an obvious solution to the problem of portable electronic device theft, one would have expected that the solution would have been conceived of and implemented when the problem of portable electronic device theft was first recognized or shortly thereafter (e.g., at least as early as 1976 as evidenced by U.S. Patent No. 4,605,083). However, no such conception or implementation occurred until Applicants' invention (at least 15 years after the problem was first recognized).

9. On January 24, 1992, the filing date of U.S. Patent Application No. 07/824,964, Kensington Microware, Ltd. was a relatively small company and was not a market leader in the computer security business.

10. I believe that the widespread adoption of the Kensington slot by the computer industry was not the result of extensive advertising in the media.

William Murray et al.
Application No.: 10/839,521
Page 5

PATENT |

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

William Murray, Jr.
William Murray, Jr.

6/23/2005
Date

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